

U.S. Patent Application Serial No. **10/534,757**
Amendment filed June 15, 2007
Reply to OA dated March 22, 2007

REMARKS

Claims 1-3 are pending in this application. The present amendment amends claim 1. Upon entry of this amendment, claims 1-3 will be pending.

The applicant respectfully submits that no new matter has been added. Support for the amendment to the claims is detailed below. It is believed that this Amendment is fully responsive to the Office Action dated **March 22, 2007**.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office action item no. 1)

The Examiner states that the term “doughnut-like shape” is indefinite because of its reference to food doughnuts.

The rejection is overcome by the amendment to claim 1. In the amendment to claim 1, the term “doughnut-like shape” is amended to --hollow circular shape--. Applicant submits that the amendment is fully supported by the drawings of the present specification. Suspension-side member 6, which is described in the specification as “doughnut-shaped” (page 10, last paragraph), can be seen in Fig. 1(A) to have a hollow circular shape.

Reconsideration of the rejection is respectfully requested.

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Claims 1 and 2 are rejected under 35 U.S.C. §102(b) as being anticipated by Cislo (U.S. 3,123,349). (Office Action, item no. 3)

Reconsideration of the rejection is respectfully requested in view of the amendment to claim 1. Claim 1 has been amended to recite that “the body-side member comprises an inner tube portion and an outer tube portion surrounding the outer tube portion.” Support for this recitation may be found on page 10, lines 15-16, with reference to outer tube portion 14 and inner tube portion 16 of the drawings. Additionally, claim 1 has been amended to recite that “the inner tube portion of the body-side member is arranged to be inserted into a hollow region of the suspension-side member and the suspension-side member is arranged to be inserted into the outer tube portion of the body-side member, when the suspension-side member is mounted to the body-side member.” Support for this recitation may be found in Fig. 1A, in which inner tube portion 16 can be seen to be arranged to be inserted into the hollow region of the suspension-side member 6. Claim 1 has also been amended to clarify that the recitation regarding the body-side member being provided with a fluid passage hole refers to the outer tube portion.

Claim 1, as amended, differs from Cislo in the positional relationship between the body-side member and the suspension-side member. In particular, Cislo does not disclose a structure in which the suspension-side member is inserted into the outer tube portion of the body-side member. Although Cislo discloses coil spring 16 as the suspension-side member, it does not enter the passage 32 and 34. Claims 1 and 2, as amended, are therefore not anticipated by Cislo.

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In addition to the above arguments regarding anticipation, applicant submits that the present claims are not obvious over Cislo. The advantage of the structure of the present claims is described in the embodiment as follows:

When the fluid is supplied to the upper mount according to the present invention, it is supplied simply to the sealed space between the body-side member and the suspension-side member. Therefore, no influence is exerted on the performance and characteristic intrinsic to the suspension to be mounted. Thus, the present invention is suitable for any type of suspension. There is no possibility that running stability decreases due to lowdown, and there is no need to change the characteristic or performance of the suspension or replace relevant mechanisms including a mechanism for mounting the suspension to tires. This also constitutes a factor in a reduced lowdown cost. (See page 8, line 8-18, of the specification)

Even if Cislo is applied to the conventional upper mount, the above advantage cannot be achieved. Therefore, claims 1 and 2 are also not obvious over Cislo (U.S. 3,123,349).

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cislo (U.S. 3,123,349) as applied to claims 1 and 2 above, in view of Cislo (U.S. 3,000,400) and Ballard et al. (U.S. 3,074,709). (Office Action, item no. 5)

Reconsideration of the rejection is respectfully requested in view of the amendment to claim 1. As noted above, claims 1 and 2, as amended, are not anticipated by and are not obvious over Cislo '349. Cislo '400 is cited for use of a valve wherein fluid is supplied to the sealed space from a fluid

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pressure mechanism, and Ballard is cited for disclosing use of electromagnetic valves in suspension systems for vehicles. However, neither Cislo '400 nor Ballard discloses or suggests the limitations of amended claim 1, and claim 3 is not obvious over Cislo '349, Cislo '400 and Ballard, taken separately or in combination.

In view of the aforementioned amendments and accompanying remarks, the claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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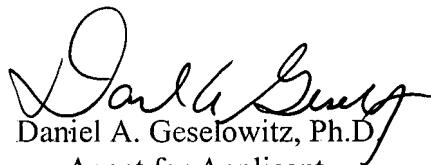
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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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